

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, *ex rel.*  
HECTOR H. BALDERAS, Attorney General of New Mexico,

Plaintiff/Petitioner,

v.

Case No. 1:17-cv-00251 KBM/SCY

REAL ESTATE LAW CENTER, P.C., *et al*  
Defendants/Respondents.

**AFFIDAVIT**

STATE OF NEW MEXICO       )  
  ) ss.  
COUNTY OF BERNALILLO    )

Mary L. Krebs, of legal age, being first duly sworn upon oath, states as follows:

1. I am a paralegal in the Consumer and Environmental Protection Division of the Office of the New Mexico Attorney General.

2. On February 22, 2017, a Complaint was filed by Hector Balderas, New Mexico Attorney General, on behalf of the State of New Mexico, against the Defendants/Respondents to this action [Doc 1] and a summons to each Defendant was issued by the Court on February 23, 2017.

3. In effecting service of process upon California Defendants, the New Mexico Attorney General's Office [hereinafter AGO] uses ACE Attorney Services, Inc., (hereinafter "Ace") and by e-mail of February 23, 2017, I notified Stephanie Lovelace of the company's Orange County process department of this lawsuit and that I would be forwarding the summonses and complaints to her for service, and by letter of same date those were forwarded to her by U.S. Mail, postage prepaid. A summons to Defendant Erikson Davis [hereinafter Davis], with a copy of the complaint



and a copy of the notice of judge assignment text only [Doc 2] was included in the mailing of February 23, 2017, to Ace.

4. Proof of service on Erikson Davis on March 10, 2017, with a Declaration of Due Diligence by the process servers who attempted service, was received by AGO on or about March 14, 2017. However, the third entry on the Declaration for March 10, 2017, indicates the process server was told by the “Jane Doe”, who was served on behalf of Mr. Davis, that Mr. Davis had not been at that location since January 2017 (Exhibit A to Affidavit).

5. I was injured on March 14, 2017, and was out of the office for the period March 14, through June 3, 2017, returning to work on June 5, 2017. On my return to work, I learned that the AGO had been given until June 23, 2017, to serve Mr. Erikson with proper service.

6. During my absence, Assistant Attorney General Angelica Anaya [hereinafter Anaya] communicated by email with Gerardo Martinez [Martinez] and Cynthia Briones of Ace to see what progress had been made in effecting proper service on Davis. According to Martinez, several attempts to serve Davis at his residence, an apartment complex at 11574 Iowa Avenue, #104, in Los Angeles, California, were fruitless as the process server could not gain access to the apartment and was told by a tenant exiting the complex that there was no apartment manager,

7. On my return to the office on June 5, 2017, I had several communications by email and telephone with Martinez. Both Anaya and I researched the internet for information re Davis and found that, since his suspension by the California State Bar, he was licensed as a broker with Community Home Mortgage Group located at 2660 Townsgate Road, Suite 400, Westlake Village, CA.

8. At the time of my first conversation with Mr. Dougherty on June 16, 2017, immediately subsequent to that of his wife, I shared with him the information I had obtained on line and he asked that I provide it to him, which I did on the same date by email.

9. I researched the 2660 Townsgate Road, Suite 400, address and found that it housed several companies, including Community Home Mortgage Group, whose Statement of Information filed with the California Secretary of State in 2017 showed that Davis was the CEO, CFO and Secretay of Community Home Mortgage Group.

10. One of the offices housed at the 2660 Townsgate Road, Suite 400, address is Dougherty Law Offices. I called this law office and learned, from speaking to both the owner, Gerard Dougherty and his wife, Sherry, that Community Home Mortgage Group had only one employee, Alyssa Leigh, who was there on Tuesdays only, and that the office of the mortgage group was actually a cubicle within Dougherty's law office which is rented by the mortgage group.

11. In several communications by email and telephone with Mr. Dougherty, I learned that the person who rented the cubicle was a Rosario Soto, who held herself out as the owner of Community Mortgage Group, and that, although Davis did receive mail at Mr. Dougherty's office address, he had never seen or spoken to Davis. Mr. Dougherty said he spoke with Ms. Soto who denied that Davis was affiliated with the mortgage group but was merely a broker for the group.

12. In an earlier telephone conversation I had had on or about June 9, 2017, with Sherry, she had indicated the Ace process server had permission to contact her to find out when Ms. Leigh would be there as she thought she would be there on Tuesday, June 13, 2017. On June 13, 2017, Martinez emailed me that his server had met with Sherry on June 13, 2017, but was told that Davis and his staff were on vacation for the week, and should be back the following Tuesday. On June

16, 2017, Sherry called me to let me know that Alyssa Leigh informed her she would not be in the office on Tuesday, June 20, 2017.

13. My first conversation with Mr. Dougherty was on June 16, 2017, who called me immediately after his wife's call. I shared with him the information regarding Davis that I had obtained from my internet search, and he asked that I provide him with copies, which I did on the same date by email.

14. On June 20, 2017, Mr. Dougherty called and said that Ms. Soto still was denying an affiliation with Davis or knowledge of his current address even though his mail continues to be sent to the 2660 Townsgate Road, Suite 400, address, is received by Sherry, and then given to Alyssa Leigh.

15. On June 23, 2017, I instructed Ace process service to serve Mr. Dougherty with the Summons and Complaint for Erikson Davis and to mail a copy as well to Mr. Davis.

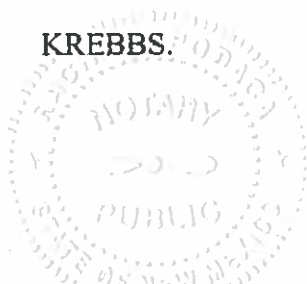
16. It is my belief that based on the foregoing information I have obtained regarding Davis, that he and his associates are determined to avoid service of process on Davis.

FURTHER AFFIANT SAYETH NAUGHT.

  
Mary L. Krebs

SUBSCRIBED AND SWORN TO before me this 23rd day of June 2017 by MARY L.

KREBBS.



My Commission Expires:

3-27-21

  
Notary Public

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:17-cv-00251 KBM-SCY

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*ERIKSON M. DAVIS, an attorney and resident of California,  
individually, and dba Real Estate Law Center, P.C., a  
California professional corporation

This summons for (name of individual and title, if any)

was received by me on (date) 03/01/2017.☐ I personally served the summons on the individual at (place)

on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name)

\_\_\_\_\_, a person of suitable age and discretion who resides there,

on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual)

\_\_\_\_\_, who is

designated by law to accept service of process on behalf of (name of organization)

on (date) \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other (specify): On 03/10/2017 at 12:22 p.m., I left the documents with "Jane Doe" (Asian female, 37 yrs, 5'4", 120 lbs, Brown eyes, Black hair), Receptionist, a person at least 18 years of age apparently in charge at 695 South Vermont Avenue, Ste. 1100, Los Angeles, California 90005. I informed her of the general nature of the papers. Thereafter, I mailed copies of the documents to the person to be served at the place where the copies were left on 03/10/2017 from Los Angeles, CA. See attached Declaration of Due Diligence.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 03/14/2017  
Server's signatureJuan Ramirez/Process Server/Reg.#:2016308048/Los Angeles

Printed name and title

County

Ace Attorney Service, Inc.

811 Wilshire Boulevard, Ste. 900, Los Angeles, California 90017

Phone: 213-623-3979 / Fax: 213-623-7527

Server's address

Additional information regarding attempted service, etc:

In addition to the SUMMONS, the following documents were also served: COMPLAINT; CIVIL COVER SHEET;  
NOTICE OF ELECTRONIC FILING

State of New Mexico v. Real Estate Law Center, P.C., et al.

**EXHIBIT**

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#1426579K

**DECLARATION OF DUE DILIGENCE**

**CASE NAME:** STATE OF NEW MEXICO, ex rel., HECTOR H. BALDERAS, Attorney General of New Mexico  
v.  
REAL ESTATE LAW CENTER, P.C., a California professional corporation; et al.

**CASE NUMBER:** 1:17-cv-00251 KBM-SCY

I am and was on the dates herein mentioned, over the age of 18 years and not a party to the action. I received the within process on *March 1, 2017* and after due diligent effort, I have been unable to effect personal service of the following document(s) on the within named: SUMMONS IN A CIVIL ACTION; COMPLAINT; CIVIL COVER SHEET; NOTICE OF ELECTRONIC FILING

**Name:** ERIKSON M. DAVIS, an attorney and resident of California, individually, and dba Real Estate Law Center, P.C., a California professional corporation

**Business Address:** 695 South Vermont Avenue, Suite 1100  
Los Angeles, California 90005

Dates and times of attempts with reported detail is listed below.

<i>Date</i>	<i>Time</i>	<i>Location</i>	<i>Server</i>	<i>Result</i>
03/06/17	2:10 p.m.	Business	D. Tang	I arrived at the address given for service of process. I spoke with the Legal Assistant who identified herself as Angelina and stated the subject has not worked at the location since January.
03/08/17	11:00 a.m.	Business	J. Henriquez	I arrived at the address given for service of process. I spoke with the Legal Assistant who identified herself as Angelina and stated the subject has not worked at the location since January.
03/10/17	12:22 p.m.	Business	J. Ramirez	I arrived at the address given for service of process. I spoke with the Receptionist (Asian female, 37 yrs, 5'4", 120 lbs, Brown eyes, Black hair) who stated the subject has not worked at the location since January. I served her regardless. As such, I substituted service on "Jane Doe" (Asian female, 37 yrs, 5'4", 120 lbs, Brown eyes, Black hair), Receptionist on behalf of ERIKSON M. DAVIS, an attorney and resident of California, individually, and dba Real Estate Law Center, P.C., a California professional corporation.

I declare under penalty of perjury that the foregoing is true and correct. Executed this *14<sup>th</sup>* day of *March* 2017 at *Los Angeles, California*.

Process Server for  
Ace Attorney Service, Inc.  
811 Wilshire Boulevard, Suite 900  
Los Angeles, California 90017

  
Daniel Tang

  
Jose Henriquez

  
Juan Ramirez